



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 12, 2000

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Robert Raben *Raben*
Assistant Attorney General

SUBJECT: Weekly Report for June 6, 2000 - June 12, 2000

KEY ISSUES

Leak Investigation Hearing: On June 14, you are scheduled to testify before the Senate Select Committee on Intelligence (Shelby, Chair) at a closed session hearing on the leak investigation. FBI Director Louis Freeh and CIA Director George Tenet are also scheduled to testify before Chairman Shelby's Committee. (Walter)

Elian Gonzalez: On June 8, the Senate Judiciary Committee voted to issue a subpoena to the Department for all documents relating to the events in Miami on April 22. To date, the subpoena has not yet been issued. (First)

THE WEEK AHEAD

False Claims Act: On June 12, Civil Division's Assistant Attorney General David Ogden and Environment and Natural Resources Division's Assistant Attorney General Lois Schiffer and staff from the Office of Legislative Affairs and Intergovernmental Affairs are meeting with Wyoming Senators Enzi and Thomas and Wyoming Attorney General Gay Woodhouse to discuss how the Department deducts the 3% administrative fee and relators' fees from settlements that arise under the False Claims Act in cases where federal mineral royalties are underpaid. The Wyoming Attorney General and Senators are concerned that current practice deducts portions of settlements attributable to the States, thereby losing them money. (Pearlman)

Nominations: The Senate Judiciary Committee (Hatch, Chair) has scheduled a hearing on June 14 on the following nominations: George Z. Singal, to be a United States District Judge for the District of Maine; Paul C. Huck, to be a United States District Judge for the Southern District of Florida; John W. Darrah and John Humphrey Lefkow, both to be United States District Judges for the Northern District of Illinois.

The Senate Governmental Affairs Committee (Thompson, Chair) has a markup scheduled for June 14. Included on the Committee's business meeting agenda are the following D.C. Superior

Glenn Fine, the Department's nominee to be Inspector General, has courtesy visits with Senators Thurmond and Sessions this week.

The following nominations were sent to the Senate on June 8: John Lim, to be a United States District Judge for the District of Hawaii, and James Moody and Gregory Presnell, both to be United States District Judges for the Middle District of Florida.

On June 6, the following nominations were sent to the Senate: Kenneth Simon, to be a United States District Judge for the Northern District of Alabama; John Steele to be a United States District Judge for the Middle District of Florida; and Gary Sebelius, to be a United States District Judge for the District of Kansas. (Scott-Finan)

Airline Competition Hearing: On June 14, the House Judiciary Committee (Hyde, Chair) is scheduled to hold a hearing on airline competition. Antitrust Division's Deputy Assistant Attorney General John Nannes will testify before the Committee. (Slover)

Electronic Freedom of Information Act Hearing: On June 14, the Subcommittee on Government Management, Information and Technology (Horn, Chair) of the House Government Reform Committee will hold a hearing on the implementation of an electronic Freedom of Information Act (e-FOIA). Deputy Associate Attorney General Ethan Posner is scheduled to testify before the Subcommittee. On June 9, staff from the Office of the Associate Attorney General, the Office of Information and Privacy and the Office of Legislative Affairs met with staff from the House Government Reform Committee in advance of this hearing. (Owen)

Terrorism Commission Report Hearing: On June 15, the Senate Foreign Relations Committee (Helms, Chair) is scheduled to hold a hearing that will focus on the International Terrorism Commission Report. The Department witness is yet to be determined. (Walter)

Takings: On June 15, the Senate Judiciary Committee (Hatch, Chair) may consider S. 1028, the "Citizens Access to Justice Act." This legislation would expand the jurisdiction of the Court of Federal Claims as well as the federal district courts in cases involving Fifth Amendment claims against the United States, on just compensation claims against State and local land-use authorities. A Department views letter that will be sent to the Hill this week states that you would recommend a Presidential veto on S. 1028 if it were passed in its current form. (Pearlman)

Internet Gambling: On June 15, the Subcommittee on Telecommunications, Trade and Consumer Protection (Tauzin, Chair) of the House Commerce Committee will hold a hearing on H.R. 3125, the Internet Gambling Prohibition Act, sponsored by Representative Goodlatte. This bill has been sequentially referred to the Committee until June 23.

In addition, the House Banking Committee (Leach, Chair) has scheduled a hearing on H.R. 4419, the Internet Gambling Funding Prohibition Act. (Daley)

S. 2448, the Internet Integrity and Critical Infrastructure Protection Act: On June 15, the Senate Judiciary Committee (Hatch, Chair) will mark up S. 2448. The Department recently testified in support of the Chairman's effort to assist law enforcement on cybercrime. (Daley)

Bankruptcy: To our knowledge, there are several outstanding issues still under negotiation on the Bankruptcy bill including abortion clinic violence, Fair Debt Practices and small bank carve out. Retirement funds and homestead caps are either worked out or are very near. The Conference Report on the E-signatures legislation has been filed without any references to the Bankruptcy bill therefore leaving the legislative vehicle for the bill unclear. On Friday, the President sent a letter to the House and Senate raising concerns with the outstanding issues of the bill still in negotiation and reiterated the position that, in order to sign the bill, it will need to be well balanced between the interests of the creditors as well as the debtors. (Wilson)

Class Actions: On June 15, the Senate Judiciary Committee (Hatch, Chair) will mark up S. 353, Class Action Reform legislation. We have sent a letter that will include a senior advisers veto recommendation. (Wilson)

Federal Agency Compliance: On June 15, the Commercial and Administrative Law Subcommittee (Gekas, Chair) of the House Judiciary Committee will markup H.R. 1924, the Federal Agency Compliance Act. Representatives from the Office of Legislative Affairs and the Civil Division intend to meet with Congressman Nadler, Ranking Minority Member of the Subcommittee, prior to the markup. The Department testified opposing the legislation last October. (Wilson)

Victims of Terrorism: On June 16, Kathryn Turman, Director of the Office of Victims of Crime, along with her staff and representatives from the Office of Legislative Affairs and the Office of Justice Programs will meet with House Judiciary Committee staff to discuss legislation that would make it easier to compensate and assist victims of terrorist acts or mass violence. (Pearlman)

Hate Crimes: Senator Kennedy's hate crimes amendment is on the list of 109 amendments to be offered to the Department of Defense Authorization Bill when the Senate resumes consideration of the bill later this week. We have provided suggestions for changes in the legislative language to staff for Senator Kennedy. OMB has cleared language for a views letter which we anticipate providing to the Hill this week. (Scott-Finan)

Public Safety Officers Collective Bargaining Rights: On June 27, the Senate Health, Education, Labor and Pensions Committee (Jeffords, Chair) will hold a hearing on S. 1016, legislation that would require states and local governments to allow collective bargaining rights for public safety officers they employ. (Scott-Finan)

Parole Commission: We have been contacting staff of the Judiciary Committee and the Government Affairs Committee on both the House and Senate side to gain support for extending the life of the Parole Commission beyond 2002. (Scott-Finan)

COPS: We have been advised that the House Judiciary Crime Subcommittee (McCollum, Chair) plans to move multi-year COPS reauthorization legislation, combined with a block grant program, prior to the July recess. (Scott-Finan)

Religious Liberty Bill: The Office of Legal Counsel is preparing, in close consultation with the White House Counsel's office, informal technical guidance for Senate and House Judiciary Committee staff on a proposal for a religious liberty bill. (Owen)

THE WEEK IN REVIEW

E-Signatures: Department staff have participated in Administration efforts that resulted in revision and filing of the Conference Report on digital signatures. The bill will likely be passed by the House of Representatives tomorrow, June 13. (Owen)

Social Security Number Protection Act: On June 8, the Department sent to the Hill a draft bill authorizing the Federal Trade Commission to ban the inappropriate sale or purchase of social security numbers. The notifications were made to the House and Senate Judiciary and Commerce Committees, as well as the House Ways and Means Committee, the Senate Finance Committee and Senate Health, Education and Workforce Committee. (Owen)

Money Laundering: On June 8, the House Banking and Financial Services Committee (Leach, Chair) approved, by a 31-1 vote, H.R. 3886, a regulatory money laundering bill, largely drafted by the Treasury Department. (Graupensperger)